

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAFAEL ARROYO,

Plaintiff,

v.

HARBOR VIEW HOTELS INC.,

Defendant.

Case No. [21-cv-01080-VC](#)

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS WITH LEAVE  
TO AMEND**

Re: Dkt. No. 17

The motion to dismiss is granted. The relevant regulation requires that a hotel reservations system “[i]dentify and describe accessible features in the hotel and guest rooms . . . in enough detail to reasonably permit individuals with disabilities to assess independently whether a given hotel or guest room meets his or her accessibility needs.” 28 C.F.R. § 36.302(e)(1)(ii). Reservation systems that comply with the Department of Justice’s guidance typically satisfy the regulation. *Love v. Ashford San Francisco II LP*, 2021 WL 1428372, at \*4 (N.D. Cal. Apr. 15, 2021). Because the defendant’s website notes that the hotel is accessible and includes, “for each accessible room, a description of the type of room, the size and number of beds, the type of accessible bathing facility, and communications features available in the room,” it satisfies the guidance. *Id.* That said, “providing this basic information may be insufficient if there is something unusual about a hotel room that could create problems for a disabled person.” *Love v. Concord Hotel LLC*, 2021 WL 2966164, at \*1 (N.D. Cal. July 15, 2021). The motion is therefore granted with leave to amend should the plaintiff be able to allege “that there is anything in particular” about the rooms “that would make additional information necessary.” *Id.* at \*2. This seems highly unlikely, because this plaintiff appears to regularly sue

hotels based merely on what appears on their websites, rather than anything specific about the rooms at a particular hotel. But leave to amend is granted in an abundance of caution. Any amended complaint must be filed within 14 days and, if the plaintiff declines to do so, the dismissal will be with prejudice.

**IT IS SO ORDERED.**

Dated: November 1, 2021



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VINCE CHHABRIA  
United States District Judge